

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



Patent Public Advisory Committee Quarterly Meeting

Quality Initiative Update

May 5, 2016

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Quality Agenda

- Patent Quality Community Symposium
- Quality Metrics
- Re-evaluate AFCP 2.0 and Pre-appeal
- Topic Submission for Case Studies
- External Survey Results



Patent Quality Community Symposium:

Empowering Innovation Through Enhanced Quality

Richard Seidel

Acting Deputy Commissioner for Patent Administration

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Patent Quality Community Symposium

- Wednesday, April 27, 2016
- Where
 - USPTO Alexandria
 - All four regional offices
 - Webcast
- Participation: Over 2,200

Patent Quality Community Symposium

Featured Presentations

- Updates on Enhanced Patent Quality Initiative (EPQI)
- USPTO's efforts to use Big Data
- Quality Metrics for FY2016
- Master Review Form Workshop (MRF)



Quality Metrics

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Quality Metrics Redefined

FY 2011 - FY 2015

Final Disposition Compliance
In-Process Compliance
First Action (FAOM) Review
Search Review
Quality Index Reporting (QIR)
External Quality Survey
Internal Quality Survey
Composite Score

FY 2016

Product Indicators

Master Review Form

Capturing both correctness and clarity of examiners' final work product using uniform criteria gathered in a single database

Process Indicators

Transactional QIR

Tracking the efficiency and consistency of our processes (for example, to identify "churning")

Perception Indicators

Survey Results

Continuing to internally and externally poll perceptions of patent quality

Quality Metric Data Source: Product Indicators

FY 2016

FY 2016 Key Product Metrics

Product Indicators Master Review Form

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Correctness

Clarity

Process Indicators

Transactional QIR

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Perception Indicators

Survey Results

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Quality Metric Data Source: Process Indicators

FY 2016

Product Indicators
Master Review Form

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Process Indicators
Transactional QIR

Tracking the efficiency and consistency of our processes (for example, to identify "churning")

Perception Indicators
Survey Results

Continuing to internally and externally poll perceptions of patent quality

FY 2016 Key Process Indicators

Reopening Prevention

Rework Reduction

Consistency of
Decision-Making

Quality Metric Data Source: Perception Survey Results

FY 2016

Product Indicators Master Review Form

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Process Indicators Transactional QIR

Tracking the efficiency and consistency of our processes (for example, to identify "churning")

Perception Indicators Survey Results

Continuing to internally and externally poll perceptions of patent quality

FY 2016 Vital Perception Indicators

Root Cause Analysis

Validation/Verification

Quality Metrics

- Federal Register Notice published on March 25, with comments due May 24
 - Requesting feedback on:
 - Decision to replace Composite Quality Score with individual metrics
 - How to objectively measure patent examination quality
 - Standardized Master Review Form

Quality Metrics website: <http://www.uspto.gov/patent/initiatives/quality-metrics>

Contact Us: QualityMetrics2017@uspto.gov



Questions & Comments

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Re-evaluate AFCP 2.0 and Pre-appeal

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Re-evaluate AFCP 2.0 and Pre-appeal

- Tests how some of the best attributes of the AFCP 2.0 and the Pre-Appeal pilots can be combined to give both applicants and examiners additional information
- Increased understanding of the issues will lead to more accurate decisions on subsequent courses of action

Re-evaluate AFCP 2.0 and Pre-appeal

- Features under consideration:
 - Available within 2 months of final rejection
 - Panel, including a neutral party
 - Applicant participation to present arguments as in Pre-Appeal (5-page document) or claim amendments
 - More information on panel decision (i.e. grounds of rejection withdrawn or maintained, claims rejected, allowed, additional brief comments)



Questions & Comments

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Topic Submission for Case Studies

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Topic Submission for Case Studies: Pilot Summary

- Federal Register Notice initiated the program on December 21, 2015
- Submissions were accepted through February 12, 2016
- USPTO invited stakeholders to submit patent quality-related topics for study

What is a Case Study?

- Review of a single, quality-related issue
- Tailored to the selected issue
- Performed by USPTO
 - Distinct from standard reviews completed by the Office of Patent Quality Assurance (OPQA)

Topic Submission for Case Studies: Program Goals

- Use stakeholder experience to provide USPTO with a wider range of topics to consider for a case study
- Use study results to better understand and enhance quality of USPTO work products and processes to:
 - Identify quality issues and examples of examination best practices
 - Reveal areas where further training may be needed

Topics Selected for Case Study

1. Compliance of rejections with 35 U.S.C. 101 Official Guidance
2. Consistency of application of 35 U.S.C. 101 across Art Units/Technology Centers
3. Use of compact prosecution when making 35 U.S.C. 101 rejections
4. Correctness and clarity of motivation statements in 35 U.S.C. 103 rejections
5. Enforcement of 35 U.S.C. 112(a) written description in continuing applications
6. Consistent treatment of claims after May 2014 35 U.S.C. 112(f) training

Topic Submission - Resources

- Topic Submission for Case Studies Webpage:
<http://www.uspto.gov/patent/initiatives/topic-submission-case-studies-pilot-program>
- Enhanced Patent Quality Initiative Webpage:
<http://www.uspto.gov/patent/initiatives/enhanced-patent-quality-initiative>
- Contact us at TopicSubmissionForCaseStudies@uspto.gov



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External Quality Survey (EQS)

Martin Rater

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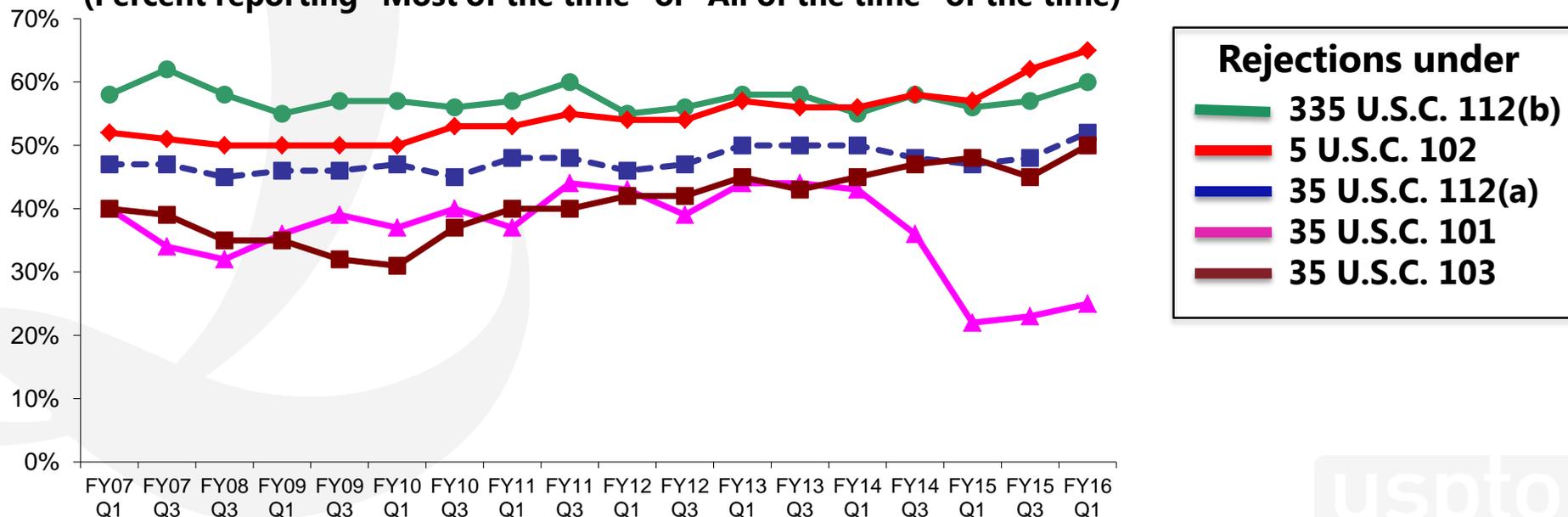


External Quality Survey (EQS)

- Conducted semi-annually since 2006
 - Most recent survey Q1 in FY16
- Surveys 3,000 frequent-filing customers with each survey
- Has been included in Patent Quality Composite (FY2011-15)
- Continues to be a vital quality indicator as we transition to new quality metrics in FY17

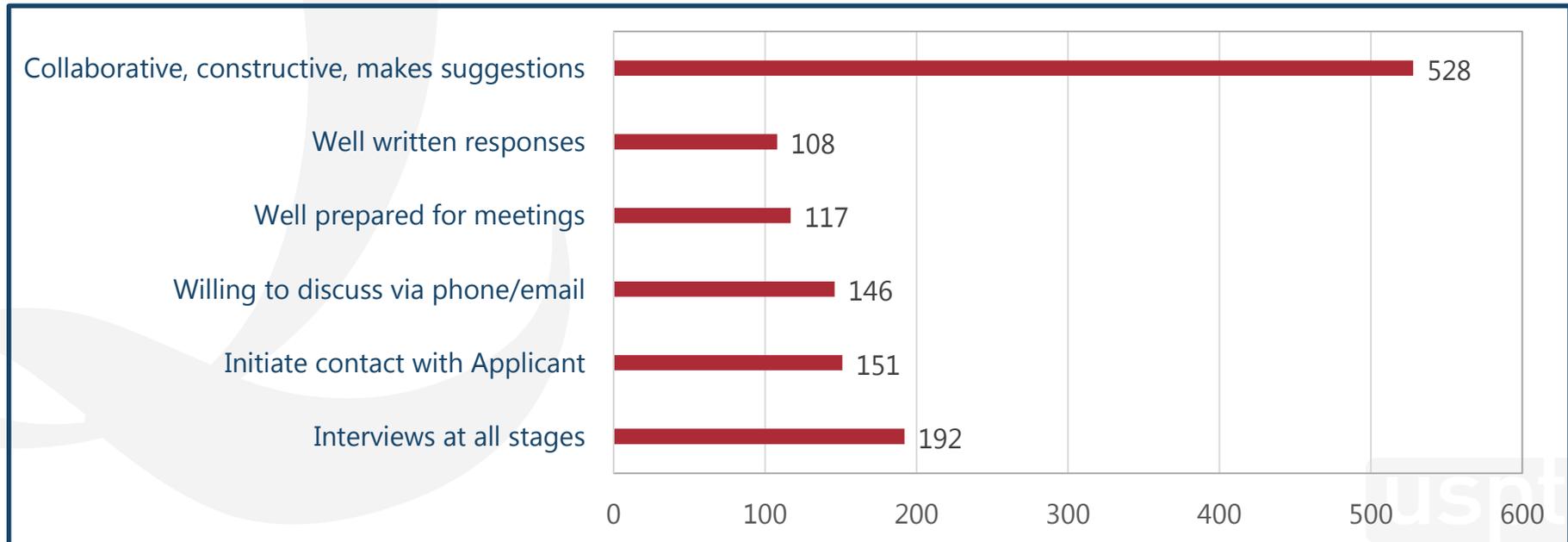
Perception of Product: Quality of Rejections Made

**Q6: Frequency of Technically, Legally, and Logically Sound Rejections
(Percent reporting "Most of the time" or "All of the time" of the time)**



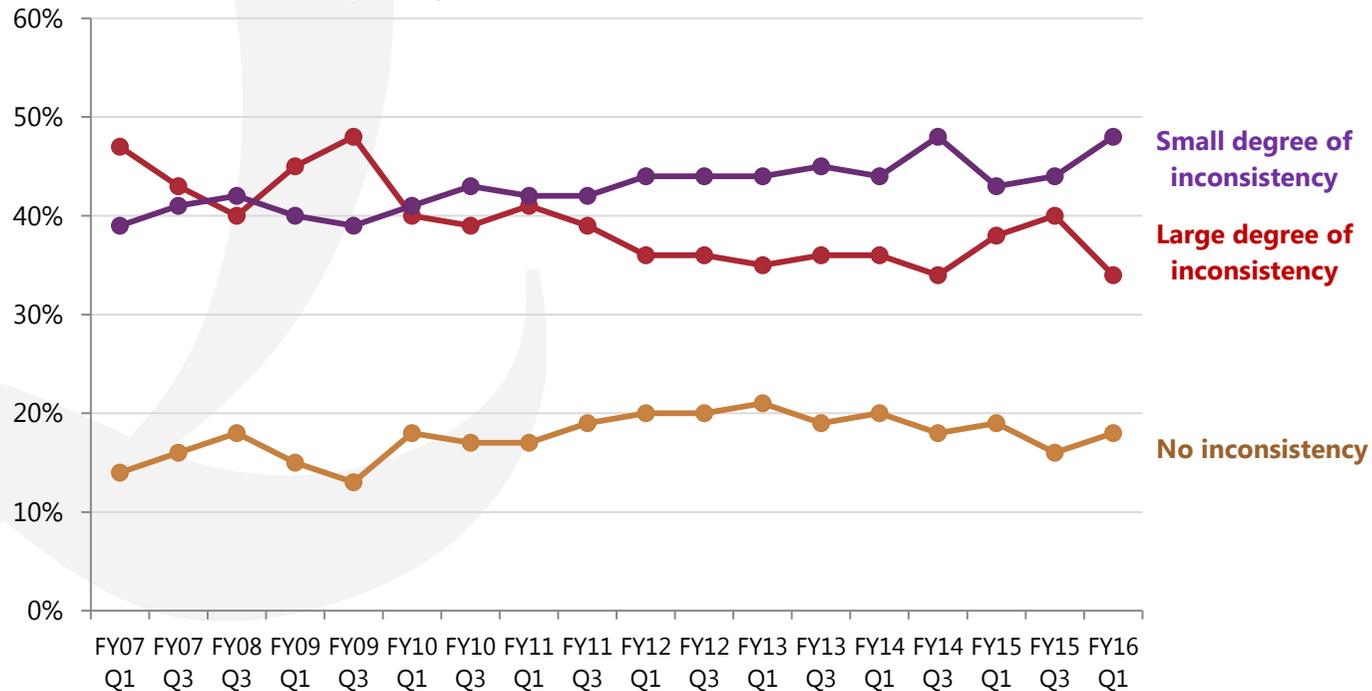
Perception of Product and Process: Advancing Prosecution

Q10: In your experience, what have examiners done that has helped advance prosecution?



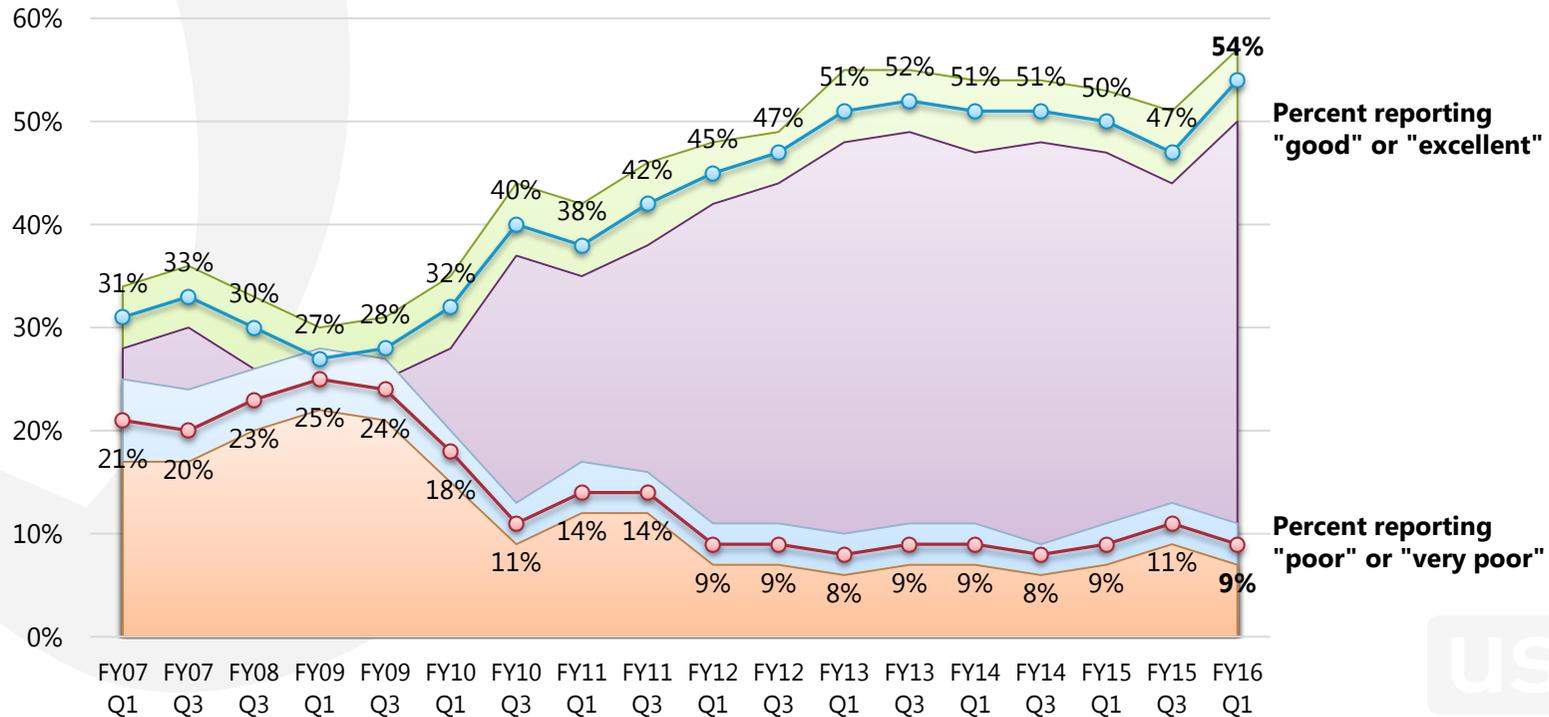
Perception of Product: Consistency

Q9: In the past 3 months, have you experienced problems with the consistency of examination quality from one examiner to another?

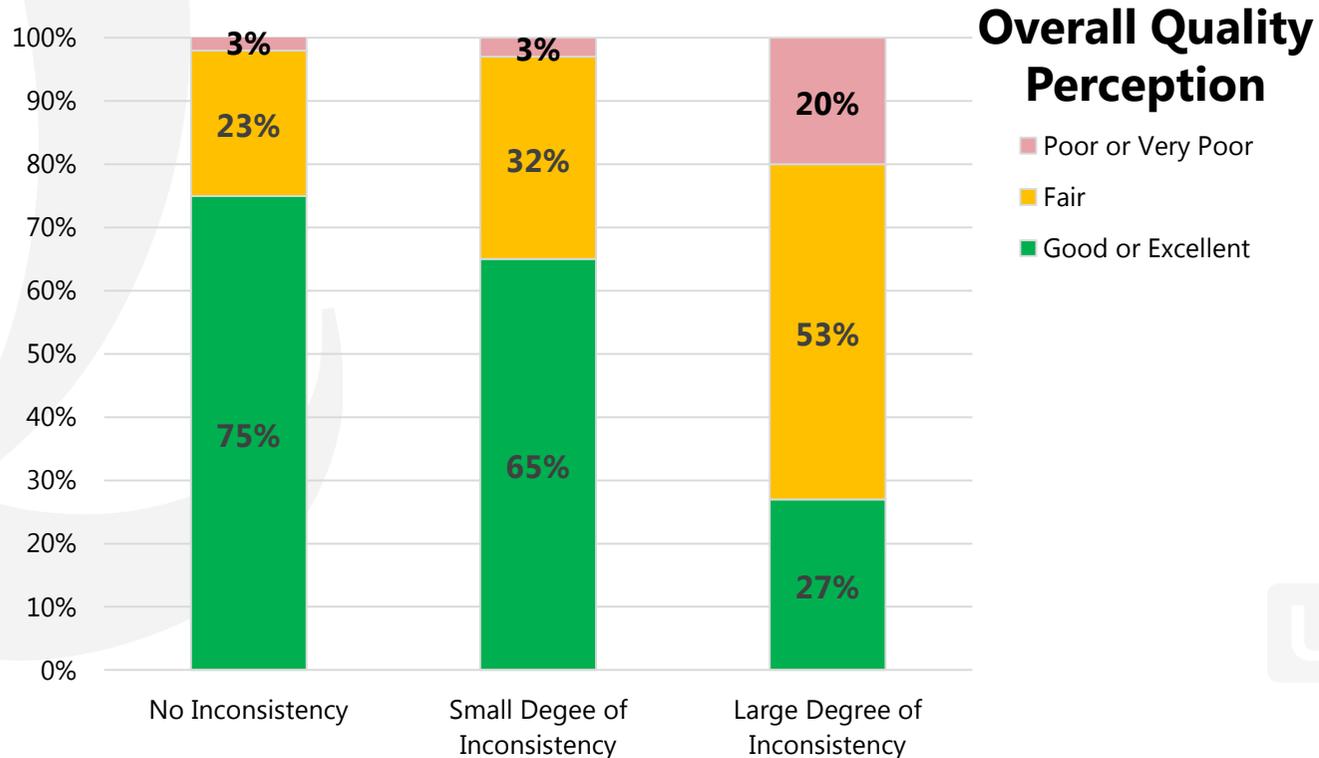


Perception of Overall Quality

Q7: Percent Positive and Negative Ratings of Overall Examination Quality in Past 3 Months



Link between Perception of Consistency and Overall Quality



Using EQS for Validating the Quality Metric

- Utilize the External Quality Survey as a snapshot of stakeholders' perceptions
- Assure alignment of the quality data underlying our metrics and our external stakeholders' perceptions
- Exploit the flexibility of the Master Review Form to capture data points that reflect patent quality



Questions & Comments

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